PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

To:

Assistant Commissioner for Patents
United States Patent and Trademark Office
Box PCT
Washington, D.C.20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 13 August 1999 (13.08.99)	
International application No. PCT/US98/25332	**Applicant's or agent's file reference** E-0019
International filing date (day/month/year) 25 November 1998 (25.11.98)	**Priority date** (day/month/year) 03 December 1997 (03.12.97)
Applicant AHSAN, Tanweer et al	

1. The designated Office is hereby notified of its election made:

 [X] in the demand filed with the International Preliminary Examining Authority on:

 01 July 1999 (01.07.99)

 [] in a notice effecting later election filed with the International Bureau on:

2. The election [X] was

 [] was not

 made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO **34, chemin des Colombettes** **1211 Geneva 20, Switzerland**	Authorized officer Martine Lee
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

Form PCT/IB/331 (July 1992)

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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 11 JUL 2000
WIPO
PCT

Applicant's or agent's file reference E-0019	**FOR FURTHER ACTION**	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US98/25332	International filing date *(day/month/year)* 25 NOVEMBER 1998	Priority date *(day/month/year)* 03 DECEMBER 1997
International Patent Classification (IPC) or national classification and IPC IPC(7): B05D 7/00 and US Cl.: 427/212, 220		
Applicant ECC INTERNATIONAL INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets.

 ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

 I ☒ Basis of the report

 II ☐ Priority

 III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability

 IV ☐ Lack of unity of invention

 V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

 VI ☐ Certain documents cited

 VII ☐ Certain defects in the international application

 VIII ☐ Certain observations on the international application

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Date of submission of the demand	Date of completion of this report
01 JULY 1999	02 MAY 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer DEBORAH THOMAS PARALEGAL SPECIALIST
Form PCT/IPEA/409 (cover sheet) (July 1998)*	SHRIVE BECK (703)308-1495

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US98/25332

I. Basis of the report

1. With regard to the **elements** of the international application:*

[X] the international application as originally filed

[X] the description:
pages 1-35 , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of ____

[X] the claims:
pages 36-39 , as originally filed
pages NONE , as amended (together with any statement) under Article 19
pages NONE , filed with the demand
pages NONE , filed with the letter of ____

[X] the drawings:
pages NONE , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of ____

[X] the sequence listing part of the description:
pages NONE , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of ____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language ____ which is:

[] the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

[] the language of publication of the international application (under Rule 48.3(b)).

[] the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

[] contained in the international application in printed form.

[] filed together with the international application in computer readable form.

[] furnished subsequently to this Authority in written form.

[] furnished subsequently to this Authority in computer readable form.

[] The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

[] The statement that the information recorded in computer readable form is identical to the writen sequence listing has been furnished.

4. [X] The amendments have resulted in the cancellation of:

[X] the description, pages NONE

[X] the claims, Nos. NONE

[X] the drawings, sheets/~~fig~~ NONE

5. [X] This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

** Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).*

*** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.*

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US98/25332

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)	Claims	2-3	YES
	Claims	1, 4-15	NO
Inventive Step (IS)	Claims	NONE	YES
	Claims	1-15	NO
Industrial Applicability (IA)	Claims	1-15	YES
	Claims	NONE	NO

2. citations and explanations (Rule 70.7)

Claims 1 and 4-15 lack novelty under PCT Article 33(2) as being anticipated by NISHII et al (US Patent No. 5,498,447), hereinafter "Nishii". Nishii discloses a method of coating alkaline earth metal carbonates, specifically citing calcium carbonate (col. 2, line 53; Abstract). Particles of the alkaline earth metal carbonate may be coated with fatty acids, including stearic acid, behenic acid, etc. (col. 3, lines 23-33), in a fluidized bed, mixer, etc. (col. 3, lines 53-61). The melted fatty acid and heating gas are sprayed at a temperature within the range of 100 to 800 degrees C, and 1-100 degrees C higher than the melting point of the fatty acid (col. 4, lines 25-47). The amount of wax applied may be determined by the end use (col. 3, lines 34-52).

Claims 1, 2 and 4-15 lack an inventive step under PCT Article 33(3) as being obvious over Nishii. Nishii discloses a method of coating alkaline earth metal carbonates, specifically citing calcium carbonate (col. 2, line 53; Abstract). Particles of the alkaline earth metal carbonate may be coated with fatty acids, including stearic acid, behenic acid, etc. (col. 3, lines 23-33), in a fluidized bed, mixer, etc. (col. 3, lines 53-61). The melted fatty acid and heating gas are sprayed at a temperature within the range of 100 to 800 degrees C, and 1-100 degrees C higher than the melting point of the fatty acid (col. 4, lines 25-47). The amount of wax applied may be determined by the end use (col. 3, lines 34-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the entire particle, e.g. at least 90% of the surface area, when practicing the method of Nishii, because coating the entire surface of particles is well known in the art and one would have to include additional steps to prevent coating the entire surface of a particle in a fluidized bed coating operation. Therefore, coating the entire surface of a particle requires fewer process steps.

Claim 3 lacks an inventive step under PCT Article 33(3) as (Continued on Supplemental Sheet.)

Supplemental Box
(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

I. BASIS OF REPORT:

5. (Some) amendments are considered to go beyond the disclosure as filed:
NONE

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):
being obvious over Nishii in view of KANFER et al (US Patent 4,786,369), hereinafter "Kanfer". Nishii discloses a method of coating alkaline earth metal carbonates with fatty acids as discussed above. However, Nishii lacks an explicit reference to coating alkaline earth metal particles with saturated fatty acids having from 8 to 26 chain carbon atoms. Kanfer discloses coating calcium carbonate (col. 3, line 28) with saturated fatty acids having a total of from 9 to 30 carbon atoms. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Nishii by selecting the specific classes of fatty acids disclosed by Kanfer, e.g. saturated fatty acids having from 8 to 26 chain carbons, because an ordinary artisan, given the general teaching of fatty acids by Nishii, would know to look to the related art to find a more specific class of materials suitable for practicing the method of Nishii.

Claims 1-15 meet the industrial applicability requirement under PCT Article 33(4) because the coated particles have use in the detergent industry.

---------- NEW CITATIONS ----------
NONE